



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventieth session
Geneva, 19 February - 9 March 2007

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. The Committee considered the 4th to 7th periodic reports of The former Yugoslav Republic of Macedonia – due in 1998, 2000, 2002 and 2004, respectively, and submitted in a single document (CERD/C/MKD/7) – at its 1798th and 1799th meetings (CERD/C/SR.1798 and 1799), held on 26 and 27 February 2007. At its 1813th meeting (CERD/C/SR.1813), held on 8 March 2007, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the 4th to 7th periodic reports of The former Yugoslav Republic of Macedonia, submitted in a single document, and the opportunity thus offered to resume an open and constructive dialogue with the State party. The Committee expresses appreciation for the attendance of a high-level delegation, as well as for the comprehensive and thorough answers to the list of issues and the wide range of questions raised by members.

B. Positive aspects

3. The Committee welcomes the declaration made by the State party in December 1999 under article 14 of the Convention recognising the competence of the Committee to receive and consider communications from individuals or groups of individuals.

4. The Committee takes note with interest of the comprehensive reforms carried out in the State party pursuant to the signing of the Ohrid Framework Agreement, with particular regard to the adoption of amendments V to XVII to the Constitution, creating a comprehensive legal framework for the promotion and protection of the rights of persons belonging to ethnic minorities.

5. The Committee notes with satisfaction that the Ohrid Framework Agreement, which is now being implemented, aims at reducing the level of inter-ethnic tensions and at promoting tolerance and understanding for the culture and history of different ethnic groups within the State party.
6. The Committee notes with satisfaction that the Convention is incorporated into the domestic law of the State party and can be directly applied in national courts.
7. The Committee wishes to commend the State party for the adoption of the National Strategy on Roma, aimed at promoting empowerment and the further integration of Roma in the socio-economic sphere, and for its participation in the regional initiative Decade of Roma Inclusion 2005-2015. In particular, the Committee welcomes the efforts made to involve Roma communities in the development and implementation of policies and programmes that affect them.
8. The Committee welcomes the adoption in January 2007 of a strategy on equitable representation of members of ethnic communities in the State administration and public enterprises.

C. Concerns and recommendations

9. The Committee notes with concern that, according to reports received, the Code of Ethics of Journalists, which aims at prohibiting and punishing hate speech crimes committed through the media, has not been applied in such a manner as to sanction journalists violating its principles (article 4 (a) of the Convention).

The Committee recommends that the State party take effective steps to ensure the effective implementation of the Code of Ethics of Journalists, as well as the application of criminal sanctions provided for in article 319 of the Criminal Code against those journalists who promote discrimination, racism and inter-ethnic tensions and hostility through the media.

10. The Committee is concerned that, in accordance with article 9 of the constitution, only citizens are equal before the law and entitled to exercise their freedoms and rights without discrimination of any kind as to sex, race, colour, national and social origin, political and religious beliefs, property and social status (article 5 of the Convention).

The Committee draws the attention of the State party to its general recommendation No. 30 (2004) on discrimination against non-citizens, and recommends that the State party review its legislation in order to guarantee equality between citizens and non-citizens in the enjoyment of the rights set forth in the Convention to the extent recognised under international law.

11. While expressing appreciation for the State party's historical openness in receiving a large number of individuals fleeing from neighbouring countries at war, the Committee notes with concern that many applications for asylum or refugees status have been rejected by the competent authorities of the State party due to alleged shortcomings in the application of refugee status determination mechanisms (article 5 of the Convention).

The Committee recommends that the Law on Asylum and Temporary Protection be reviewed so as to guarantee a fair and efficient application of procedures for the determination of refugee status based on the merits of the individual claims submitted.

12. Taking into consideration its statement on racial discrimination and measures to combat terrorism of 8 March 2002 (A/57/18), the Committee regrets the rendition under suspicion of terrorism of Mr. Khaled al-Masri, a German citizen of Lebanese origin, to a third country for purposes of detention and interrogation.

The Committee draws the attention of the State party to its general statement on racial discrimination and measures to combat terrorism, adopted at its sixtieth session on 8 March 2002 (A/57/18), in which the Committee demands that States and international organizations ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin.

13. While welcoming the efforts made by the State party to implement the legislation concerning the use of “non-majority” languages in civil, criminal and administrative proceedings, the Committee is concerned that, according to reports received, such legislation is not systematically applied by courts and other institutions (article 5 (a) of the Convention).

The Committee recommends that the State party ensure the effective implementation of the legislation concerning the use of “non-majority” languages in judicial proceedings, inter alia by ensuring that judges, lawyers and the other parties of judicial proceedings are fully aware of these provisions. The Committee also recommends that the State party recruit additional professional translators and interpreters in all “non-majority” languages used locally.

14. The Committee is deeply concerned about the difficulties that some Roma experience in obtaining personal documents, including birth certificates, identity cards, passports and other documents related to the provision of health insurance and social security benefits (art. 5 (e) of the Convention).

The Committee, in the light of its general recommendation No. 27 (2000) on discrimination against Roma, urges the State party to take immediate steps to remove all administrative obstacles that currently prevent Roma from obtaining personal documents that are necessary for the enjoyment of economic, social and cultural rights, such as employment, housing, health care, social security and education.

15. The Committee notes that the report submitted by the State party does not provide sufficient information on the implementation of the new Law on Labour Relations, and in particular on the measures adopted to combat discrimination in the workplace and to ensure the equal effective enjoyment of labour rights for all, including women, Roma and members of other ethnic minorities (article 5 (e) (i) and (ii) of the Convention).

The Committee urges the State party to submit detailed information on the legislative, judicial, administrative and other measures adopted to

give effect to the new Law on Labour Relations with regard to the various ethnic groups living in its territory.

16. While acknowledging the efforts undertaken by the State party under the Roma Strategy and Decade to improve the situation of Roma living in informal settlements, the Committee remains concerned about the housing situation of Roma, especially with regard to the lack of basic infrastructure and to their right to security of tenure (article 5 (e) (iii) of the Convention).

The Committee recommends that the State party intensify its efforts in implementing the National Action Plan and the Operational Plan on Housing. In particular, the Committee encourages the State party to finalize as a matter of priority the adoption of the law on legalization, the development and implementation of urban plans and the construction of new apartment blocks for social housing in Šuto Orizari. The Committee urges the State party to ensure that appropriate funds be allocated for the realization of these projects. The Committee further urges the State party to ensure that Roma representatives and non-governmental organizations continue to be involved in the design and implementation of strategies and policies directly affecting them.

17. The Committee notes with concern that despite the efforts made by the State party to increase the participation of ethnic Albanian and Turkish pupils in the secondary and higher levels of education, the drop-out rate from the school system of children belonging to these communities remains high (article 5 (e) (v) of the Convention).

The Committee recommends that the State party intensify its efforts to reduce the high drop-out rate in the secondary and higher levels of education among ethnic Albanian and Turkish children. In this regard, the Committee encourages the State party to improve the quality of teaching in Albanian and Turkish schools, inter alia by ensuring the availability of textbooks in minority languages and adequate training of teachers instructing in these languages. In order to facilitate access to higher education, the Committee further recommends that the State party take steps to ensure that ethnic Albanian and Turkish children have access to Macedonian language classes.

18. While acknowledging the efforts undertaken by the State party under the Roma Strategy and Decade to improve the access to education of Roma children, the Committee remains concerned about the low attendance and high drop-out rate of Roma children from primary school (article 5 (e) (v) of the Convention).

The Committee recommends that the State party intensify its efforts to increase the levels of education of members of Roma communities, inter alia by:

(a) Taking immediate steps to eliminate negative prejudices and stereotypes regarding Roma and their contribution to society;

(b) Providing financial assistance to assist poorer families in covering the costs associated with education;

(c) Ensuring, to the extent possible, adequate opportunities for Roma children to receive instruction in their native language;

(d) Ensuring that Roma children have access to Macedonian language classes in order to prepare them for entry into the school system;

(e) Organizing special training for teachers to increase their knowledge of Roma culture and traditions and to raise their sensitivity to the needs of Roma children;

(f) Facilitating the recruitment of Roma teachers.

19. The Committee notes with concern that criminal law provisions punishing acts of racial discrimination, such as Articles 137, 138, 319 and 417 of the Criminal Code, are seldom invoked in national courts, allegedly due to a general lack of knowledge of these provisions and lack of confidence in the justice system (arts. 4 (a) and 6 of the Convention).

Drawing the attention of the State party to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party ensure the effective implementation of criminal law provisions punishing acts of racial discrimination, in particular by providing specific training for those working within the criminal justice system – police officers, lawyers, prosecutors and judges – in order to increase their awareness of the relevant provisions of the Criminal Code (such as Articles 137, 138, 319 and 417), as well as about the Convention. The Committee also recommends that the State party undertake information campaigns to raise awareness among the public of the mechanisms and procedures provided for in national legislation in the field of racism and discrimination.

20. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in resolution 47/111. In this regard, the Committee refers to resolution 59/176 of 20 December 2004, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report specific information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

22. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized.

23. In connection with the preparation of the next periodic report, the Committee recommends that the State party consult widely with civil society organizations working in the field of combating racial discrimination.

24. The State party should, within one year, provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 15, 16, and 18, pursuant to paragraph 1 of rule 65 of the rules of procedure.

25. The Committee recommends that the State party submit its eighth, ninth and tenth periodic reports in a single document, due on 17 September 2010, and that the report be comprehensive and address all points raised in the present concluding observations.
